IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 10666 of 2005

Between:

R.Shantha Rao, S/o. Sistaiah,
Machareddy Village, Bhiknoor Mandal,
Nizamabad District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kamareddy, Nizamabad District.
2 The District Collector, Nizamabad District.
3 The Joint Collector, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more in the nature of Writ of Mandamus declaring the action of the respondents No.1 herein in suspending the petitioner from Fair Price Shop Dealership of Shop No.1 of Macha Reddy Village, Bhiknoor Mandal, Nizamabad District, vide proceedings No.B1/33/2005 dt.12.01.2005 as illegal, arbitrary violation of Art.14 of Constitution of India and violation of principles of natural justice.

Counsel for the Petitioner: MR.KIRAN PALAKURTHI

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

-

The petitioner, a fair price shop authorisee of Machareddy village, Bhiknoor mandal, Nizamabad district, is before this Court complaining about the validity of the order of the first respondent dated 12.01.2005 suspending his authorisation to run the fair price shop. The order of suspension was passed when allegedly, on inspection of the shop, it was noticed that the stock and issue registers were not available in the premises and the petitioner maintained no registers for PDS/AP/AAY in respect of month of September, 2005. Accordingly, a prima facie conclusion that the petitioner had violated conditions of the authorisation viz. 4(i) (ii) of the A.P.S. P.D.S. (Control) Orders, 2001, was recorded and his authorisation was suspended.

The impugned order of suspension is challenged on two grounds, one that no prior notice or opportunity was afforded to him before exercising the powers and the other that no reasons have been recorded. The first contention is misconceived in law and the second is misconceived on facts as is the Writ Petition.

The Writ Petition is, therefore, dismissed at the stage of admission.

DRK 06.06.2005

Copy to:

1 The Revenue Divisional Officer, Kamareddy, Nizamabad District.
2 The District Collector, Nizamabad District.
3 The Joint Collector, Nizamabad District.

4 Two CCs to the G.P. for Civil Supplies, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

5 Two CD copies.